

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)
) CHAPTER 13
LETRICIA ANN JOHNSON) CASE NO.: 19-69984-LRC
)
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

Melissa J. Davey, Chapter 13 Trustee, objects to confirmation of the plan and moves to dismiss this case pursuant to 11 U.S.C. Section 1307(c) for the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. In accordance with General Order Nos. 18-2015 and/or 22-2017 and the Statement of Rights and Responsibilities, the Debtor's attorney should timely provide proof of Debtor's \$5,336.76 per month wage income to the Chapter 13 Trustee. 11 U.S.C. Sections 521(a)(1), 1325(a)(3), 1325(a)(6), 1325(b)(1)(B) and Bankruptcy Rule 1007.
3. The Debtor has failed to provide the Trustee with a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
4. Pursuant to information received from the Internal Revenue Service, 2014, 2015, 2016, 2017, and 2018 federal income tax returns and 2013, 2014, 2015, 2016, 2017, 2018, and 2019 Heavy Vehicle tax returns have not been provided to the taxing authorities, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 Plan in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).
5. Debtor's Schedules I and/or J fail to accurately reflect that Debtor has one (1) dependent, preventing the Chapter 13 Trustee from determining whether the Plan complies with 11 U.S.C. Sections 1325 (a)(3), (a)(6), and/or 1325(b)(1)(B).
6. The Chapter 13 Plan fails to provide treatment of the filed secured claim of the United States Department of Housing & Urban Development in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).

Wherefore, the Trustee moves this Honorable Court to consider the above objections at the confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case pursuant to 11 U.S.C. Section 1307(c), and for such other and further relief that this Court deems just and proper.

Dated: February 05, 2020

/s/Kelsey A. Makeever

Kelsey A. Makeever

Attorney for the Chapter 13 Trustee

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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Objection To Confirmation & Motion To Dismiss using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Peter John Batalon pbatalon@semradlaw.com, ganb.courtview@slfcourtview.com
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I further certify that on this day I caused a copy of this document to be served via United States First Class Mail on the following parties at the address shown for each:

DEBTOR(S):
LETRICIA ANN JOHNSON
1240 HUNTINGTON PLACE CIR
LITHONIA, GA 30058
Dated: February 05, 2020

/s/Kelsey A. Makeever
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